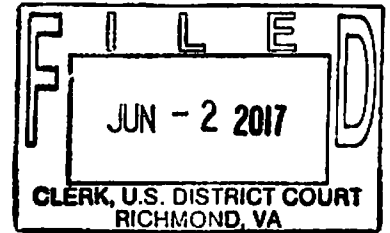


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



GOLDEN BETHUNE-HILL,
et al.,

Plaintiffs,

v.

Civil Action No. 3:14cv852

VIRGINIA STATE BOARD OF
ELECTIONS, et al.,

Defendants.

ORDER

Having considered the Defendant-Intervenors' Statement of Position Regarding the Conduct of Further Proceedings (ECF No. 146), the DEFENDANTS' STATEMENT OF POSITION (ECF No. 147), and the PLAINTIFFS' STATEMENT OF POSITION REGARDING FURTHER PROCEEDINGS (ECF No. 148), and the responses thereto, and finding that, in perspective of the decision of the Supreme Court of the United States (ECF No. 128), it is appropriate and in the interest of justice so to do, it is hereby ORDERED that the parties shall present such evidence as they shall be advised so that the Court can comply with the decision, and the remand Order, of the Supreme Court of the United States, including, without limitation, the testimony of Delegate Chris Jones, other members of the Virginia House of Delegates, expert witnesses on

demographics and racially polarized voting and the statistical significance thereof; and that the parties shall be permitted to conduct such reasonable and necessary discovery respecting the evidence that they intend to present.

To that end, and to facilitate efficient and orderly proceedings, it is further ORDERED that:

(1) the trial transcript and exhibits from July 2015 will be part of the record on remand;

(2) if counsel wishes to rely on the trial record from July 2015 as proof of, or to sustain the burden as to, a particular matter, counsel shall identify the portion, or portions, of the record to be reviewed by the Court, and shall brief the Court as to why the particular matter should be resolved in accordance with the record. See Mergentime Corp. v. WMATA, 166 F.3d 1257, 1265 (D.C. Cir. 1999) (holding that when "[f]aced with a record containing 4,000 exhibits and thousands of pages of trial transcript, the successor judge wisely entrusted the parties to guide him through the massive record and point him to the material relevant to their arguments. Far from an abdication of his . . . duties, this procedure made perfect sense.")

(3) by June 12, 2017, the Plaintiffs shall advise whether, in perspective of the decision of the Supreme Court of the

United States, they intend to continue to pursue their claim as to all eleven (11) of the districts that were "entrusted to the District Court" on remand, or whether, by virtue of that decision, the Plaintiffs will pursue their claim as to fewer districts and, if so, which districts will remain in litigation; and

(4) by June 19, 2017, the Plaintiffs shall file a list setting forth the names of the fact and expert witnesses that they intend to call and a statement of the topic(s) to be addressed by each witness; and

(5) by June 30, 2017, the Defendants and Intervenor-Defendants shall file a list setting forth the names of the fact and expert witnesses that they intend to call and a statement of the topic(s) to be addressed by each witness; and

(6) by July 11, 2017, the parties shall submit a joint proposal for scheduling discovery respecting the additional evidence; and

(7) by July 18, 2017, the parties shall file briefs setting out their positions as to any issues (required to be addressed by paragraph (6) above) on which they have not agreed, with response and reply briefs to be filed on July 25 and August 1, 2017, respectively. Also, on July 18, 2017, the parties shall file a Joint Statement of Stipulation identifying all

relevant factual findings and conclusions of law that are no longer in dispute, and a Joint Statement of Questions Presented, identifying and summarizing up to ten primary issues that remain in dispute; and

(8) a Final Pretrial Conference, if necessary, will be held at 9:30 a.m. on September 29, 2017 at the Albert V. Bryan United States Courthouse in Alexandria, Virginia; and

(9) the Court will hear evidence on October 10, 11, and 12, 2017 at a location to be announced.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge
For the Court

Richmond, Virginia
Date: June 2, 2017